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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,167	06/02/2006	Jan Van Der Meer	US030480US3	3102

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
2485	

NOTIFICATION DATE	DELIVERY MODE
03/31/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/596,167	VAN DER MEER ET AL.	
	Examiner	Art Unit	
	Gims S. Philippe	2482	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,7 and 9-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5,7 and 9-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/20/11*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. Applicant's amendment received on January 20, 2011 in which claims 1-2, 5, 7, and 9-25 were amended, and claims 3-4, 6 and 8 were canceled, has been fully considered and entered, but the arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 5, 7-8, 11, 14-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose (US Patent no. 6,731,811) in view of Martin (US Patent no. 6154776).

Regarding claims 1 and 19, Rose discloses a method for providing heterogeneous layered video support comprising constructing signaling information defining how at least two layers are to be combined at a decoder (See Rose col. 3, lines 50-57, col. 5, lines 15-37), and transmitting the signaling information along with the at least two layers in a transport stream to the decoder (See Rose col. 6, lines 19-36).

It is noted that although Rose provides a signaling information constructed as a plurality of parameter lists (See Rose col. 5, lines 17-44), it is silent about defining, from the plurality of parameter, a unique quality of service of the transport.

However, Martin discloses a method for providing video support wherein each of the plurality of parameter lists define a unique quality of service of the transport stream (See Martin col. 4, lines 52-60, col. 7, lines 20-28 and lines 47-54).

Therefore, it is considered obvious that one skilled in the art at the of the invention would recognize the of modifying Rose's quality of service by incorporating Martin's unique quality of service defined from the plurality of parameter lists. The motivation for performing such a modification in Martin is to have different quality of service for different instances of the user being active at the network (See Martin col. 7, lines 26-30).

As per claims 2, 18 and 20, most of the limitations of these claims have been noted in the above rejection of claims 1 and 19. In addition, Rose further proposes an MPEG-2 transport stream (See col. 1, lines 19-25).

As per claims 14-16, most of the limitations of these claims have been noted in the above rejection of claims 1 and 6. The applicant should note that the signaling information will inherently contains an identifier of the reference layer (See col. 8, lines 28-40).

As per claims and 5, 7, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Rose further discloses constructing signaling information as a plurality of parameter lists (See col. 5, lines 25-37).

As per claim 11, Rose further provides signaling information wherein one of the parameter values defines, for a corresponding layer, a video stream encoding type (See col. 7, lines 10-25).

4. Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose (US Patent no. 6,731,811) in view of Martin (US Patent no. 6154776) as applied to claim 8 above, and further in view of Haskell et al. (US Patent no. 5742343).

Regarding claims 9-10 and 12-13, most of the limitations of these claims have been noted in the above rejection of claim 8.

It is noted that the combination of Rose and Martin is silent about defining horizontal and vertical FIR coefficients for a filtering operation as specified.

However, Haskell provides a method for providing heterogeneous layered video including defining horizontal and vertical FIR coefficients for a filtering operation (See Haskell col. 5, lines 1-7, col. 7, lines 63-67, col. 8, lines 1-11).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the layering of the combination of

Rose and Martin by incorporating Haskell's teachings defining horizontal and vertical FIR coefficients for a filtering operation. The motivation for performing such a modification in Rose is to form combined and filtered base layer and enhancement layer where noise has been reduced.

5. Claims 17 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose (US Patent no. 6,731,811) in view Martin (US Patent no. 6154776) as applied to claims 1 and 19 above, and further in view of Harrell et al. (US Patent no. 7274661).

Regarding claims 21-25, most of the limitations of these claims have been noted in the above rejection of claims 1 and 19.

It is noted that the combination of Rose and Martin is silent about transmitting signal over the transport stream using an Internet Protocol stream to the decoder while the transmission session is performed either in-band of out-of-band as specified in the claims.

However, Harrell provides a method for providing layered video support including transmitting the layers (BS ES) over Internet Protocol using real-time transport protocol while the transmission session is performed either in-band of out-of-band (See Harrell col. 4, lines 23-37).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying the transmission step of the

combination Rose and Martin of the method for providing layered video support by incorporating Harrell's teaching where layered video support includes transmitting the layers (BS ES) over Internet Protocol using real-time transport protocol in the transmission session. The motivation for performing such a modification in the combination of Rose and Martin is to provide uninterrupted streaming media over IP networks in order to guarantee Quality of Service as taught by Harrell (See Harrell col. 4, lines 23-37).

As per claim 17, most of the limitations of this claim have been noted in the above rejection of claim 6.

It is noted that the combination of Rose and Martin is silent about providing heterogeneous layered video wherein one of the parameters defines whether a corresponding layer contains one of an interlaced or progressive stream.

However, Harrell provides a method for providing layered video support wherein one of the parameters defines whether a corresponding layer contains one of an interlaced or progressive stream (See Harrell col. 5, lines 1-7 and col. 6, lines 2-16).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Rose's layering of the proposed combination by incorporating the step wherein one of the parameters defines whether a corresponding layer contains one of an interlaced or progressive stream. The motivation for performing such a modification in Rose and Martin is to prevent aliasing and maintain resolution as taught by Harrell in col. 1, lines 66-67 and col. 2, lines 1-6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
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